

Notice of Allowability

Application No.

10/672,141

Examiner

Alan Diamond

Applicant(s)

LAMBEY, JACQUES

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed September 26, 2003.
2. ☒ The allowed claim(s) is/are 14-24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 09262003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 03232004
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Alan Diamond
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeff Rothenberg on March 23 and 25, 2004.

The application has been amended as follows:

In The Specification

On page 3, between lines 21 and 22, please insert the following sentence as a separate paragraph --Figure 6 illustrates a detailed view of the photocurrent-generating fabric in Figure 5.--

In The Claims

In claim 24, at line 4, please delete "contractors" and insert in its place -- contactors--.

In claim 24, at line 12, please delete "contractors" and insert in its place -- contactors--.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Please remove reference sign 18 from Figure 8. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: The distinguishing features of the instant device are that the support is formed by an axisymmetric tube of regular polygonal cross section, and that spacing between two adjacent rows of the recited photovoltaic cells is chosen in such a way that storage of the fabric on the tube of polygonal cross section allows the cells to be kept in a plane to one of sides of a polygon formed by the regular polygonal cross section. See, for example, instant Figure 3, where the photovoltaic cells (3) are distributed on the fabric (1) so that they are laid in succession on each plane face of the hexagonal tube (5).

The use of a polygonal shaft for an awning is known, for example, from DE 3501222 A1 (DE '222). However, DE '222 does not teach or suggest the use of photovoltaic cells on the fabric of its awning, let alone photovoltaic cells with the spacing as here claimed.

In Muller (WO 99/61721) the solar cell strips (2) extend in the direction of movement (retraction or extension) of the awning (1). The roller (4) for the awning is cylindrical. There is no teaching or suggestion of using a polygonal shaft (roller) and the instantly claimed spacing of the photovoltaic cells. Likewise, there is nothing in DE 3909937 A1 that would have led a skilled artisan to the use of a polygonal shaft (roller) and the instantly claimed spacing of the photovoltaic cells

Hanak et al (U.S. 4,636,579) teaches a retractable power supply. A cylindrical shaft is used. There is no teaching or suggestion of using a polygonal shaft and the instantly claimed spacing of the photovoltaic cells.

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Faludy (U.S. 5,433,259) uses a cylindrical shaft for its retractable awning. The solar cells are not on the flexible fabric awning sheet (18), but rather are on slat (38).

JP 2001-123620 (JP '620), Verkleij (EP 916781 A1), and DE 20000681 U1 (DE '681) teach awnings with solar cells. In JP '620 the solar cells (19) are on the drop tube (12). In Verkleij, the solar cells (8) are mounted on frame/housing (2). In DE '681, flexible solar module (7) is mounted at the head of the awning. There is no teaching or suggestion in any of these references of using a polygonal shaft and the instantly claimed spacing of the photovoltaic cells on the fabric.

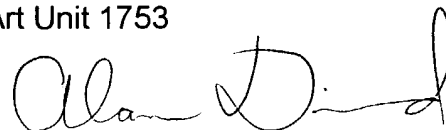
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Diamond whose telephone number is 571-272-1338. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alan Diamond
Primary Examiner
Art Unit 1753



Alan Diamond
March 23, 2004